

ESTTA Tracking number: **ESTTA718195**

Filing date: **01/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gabrielle Studio, Inc.
Granted to Date of previous extension	01/03/2016
Address	550 Seventh Avenue New York, NY 10018 UNITED STATES
Attorney information	Robert J. English Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES rje@cll.com, jzk@cll.com, lwg@cll.com, njh@cll.com, trademark@cll.com Phone:212-790-9200

Applicant Information

Application No	86517090	Publication date	07/07/2015
Opposition Filing Date	01/04/2016	Opposition Period Ends	01/03/2016
Applicant	Lauren Farrell 909 St. Marks Avenue Westfield, NJ 07090 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Jewelry, namely, leather bracelets; jewelry, namely, leather bracelets with pockets; bracelets; jewelry
Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Wallets, namely, leather wallets worn on the wrist; wallets
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Online retail store services featuring fashion accessories, namely, leather bracelets and leather bracelets with pockets

Grounds for Opposition

Other	see attached pleading
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Attachments	LFNY - NOO.pdf(11719 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert J. English/
Name	Robert J. English
Date	01/04/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 86/517,090

Filed: January 28, 2015

For Mark: LFNY and Design

Published in the Official Gazette: July 7, 2015

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GABRIELLE STUDIO, INC.,

Opposer,

Opposition No.

-against-

NOTICE OF OPPOSITION

LAUREN FARRELL,

Applicant.

----- X

Commissioner for Trademarks

Attn: Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

Gabrielle Studio, Inc. (“Opposer”), a New York corporation having an address at 550 Seventh Avenue, New York, New York 10018, believes that it will be damaged by registration of the mark LFNY, shown in Application Serial No. 86/517,090, for “jewelry, namely, leather bracelets; jewelry, namely, leather bracelets with pockets; bracelets; jewelry” in International Class 14, “wallets, namely, leather wallets worn on the wrist; wallets” in International Class 18, and “online retail store services featuring fashion accessories, namely, leather bracelets and leather bracelets with pockets” in International Class 35, and having been granted extensions of time to oppose up to and including January 3, 2016, hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Beginning in 1989 and/or since that time, Opposer, through its affiliated companies, predecessors-in-interest and authorized licensees, has been in the business of

designing, producing, selling and distributing a variety of goods and services, including, without limitation, clothing, footwear, headwear, handbags and various other types of bags, purses, wallets, cases, fashion accessories, leather goods, jewelry, watches, eyewear, fragrances and other personal care products, bedding, bath linens and accessories, and home and lifestyle products, under trademarks and service marks consisting of or containing the term DKNY, either alone or in conjunction with other words and/or designs (collectively, the “DKNY Marks”).

2. Opposer operates DKNY retail stores in the United States and online at DKNY.com. Third-party retailers and online merchants, ranging from large department stores to boutiques, also offer many DKNY-branded products. Collectively, these retail establishments have featured and offered a variety of goods, including, without limitation, clothing, footwear, headwear, handbags and various other types of bags, purses, wallets, cases, fashion accessories, leather goods, jewelry, watches, eyewear, fragrances and other personal care products, bedding, bath linens and accessories, and home and lifestyle products bearing one or more of the DKNY Marks.

3. Opposer also promotes and sells its DKNY branded products at www.DKNY.com, and is very active in advertising its brand and promoting its products through various forms of social media.

4. Opposer is the owner of numerous federal trademark registrations and applications for the DKNY Marks, including, without limitation, Registration Nos., 1554808, 1586768, 1,607425, 1646910, 1784213, 1951022, 1958158, 2203071, 2358744, 2470110, 2579723, 2579817, 2594717, 2601327, 2636433, 2992294, 3086192, 3187255, 3187361, 3212869, 3345619, 3676442, 3720002, 3735011, 3742524, 3744047, 3749831, 3768479, 3792487, 3857399, 3861762, 3881726, 3911179, 3914473, 3915588, 3986063, 4044267,

4053177, 4435041 and 4625225, and Application Serial Nos. 85/650082, 85/803072, 85/888502, 86/350085, 86/533379, 86/579312, and 86/662719, covering goods and services in International Classes 3, 8, 9, 14, 16, 18, 20, 21, 24, 25, 35, 36, 41 and 42. Registration Nos. 1554808, 1586768, 1607425, 1646910, 1951022, 1958158, 2203071, 2358744, 2470110, 2579723, 2579817, 2594717, 2601327, 2636433, 2992294, 3086192, 3187255, 3187361, 3212869 and 3345619 are incontestable.

5. The goods and services designated by the DKNY Marks have been phenomenally successful and have enjoyed sales of hundreds of millions of dollars per year.

6. Millions of dollars are also spent each year in advertising the DKNY Marks through various media, including magazines, newspapers, in-store displays, promotional mailers, outdoor advertising, social media, internet websites and similar media prominently promoting the DKNY Marks.

7. As a result of the extensive advertisement, promotion, sale and distribution of its goods and services bearing or offered in connection with the DKNY Marks, coupled with the brand's potent commercial success, Opposer has acquired tremendous goodwill in the DKNY Marks, and said goodwill has become closely and uniquely identified with Opposer.

8. On January 28, 2015, applicant Lauren Farrell ("Applicant") filed Application Serial No. 86/517,090 (the "Application") to register the mark LFNY and Design ("Applicant's Mark") on an intent-to-use basis for "jewelry, namely, leather bracelets; jewelry, namely, leather bracelets with pockets; bracelets; jewelry" in International Class 14, "wallets, namely, leather wallets worn on the wrist; wallets" in International Class 18, and "online retail store services featuring fashion accessories, namely, leather bracelets and leather bracelets with pockets" in International Class 35.

9. Upon information and belief, Applicant did not use Applicant's Mark in United States commerce in connection with the goods and services covered by the Application prior to her constructive first use date of January 28, 2015.

10. By virtue of Opposer's prior use of, and registrations for, the DKNY Marks, Opposer has rights in Opposer's DKNY Marks prior and superior to any alleged rights of Applicant in Applicant's Mark covered by the Application.

11. The goods and services covered by the Application are identical and/or closely related to goods bearing and services offered in connection with the DKNY Marks.

12. Applicant's Mark so resembles the DKNY Marks as to be likely, when applied to Applicant's goods and services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods and services have their origin with Opposer and/or that such goods and services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would therefore be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and respectfully requests that its opposition be sustained and that the application for said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Jonathan Z. King, Lawrence W. Greene, and Robert J. English (members of the bar of the state of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Jonathan Z. King, Esq. at the address listed below.

Ref. No. 17684.202

Dated: New York, New York
January 4, 2016

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys For Opposer

By: /Robert J. English/
Jonathan Z. King
Lawrence W. Greene
Robert J. English

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 4, 2016, I caused a true and complete copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's counsel and correspondent of record as follows:

Vanessa R. Ringgold, Esq.
Lowenstein Sandler LLP
65 Livingston Ave
Roseland, New Jersey 07068-1725

With a copy to:

Matthew Hintz, Esq.
Lowenstein Sandler LLP
65 Livingston Ave
Roseland, New Jersey 07068-1725

/Robert J. English/
Robert J. English